

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MOUNTAIN VALLEY PIPELINE, LLC,)
)
Plaintiff,)
)
)
v.) Case No. 7:19-CV-00565
)
)
TREE-SITTER 1, et al.,)
)
Defendants.)

RESPONSE OF PLAINTIFF MOUNTAIN VALLEY PIPELINE, LLC
TO DEFENDANTS' MOTION FOR EXTENSION OF TIME

Plaintiff Mountain Valley Pipeline, LLC (“MVP”), by counsel, submits this response to plaintiff’s motion for an extension of time, Dkt. No. 13.

1. In their motion, defendants simultaneously argue that they have not been served but that they should have an extension of time to answer. Defendants do not explain why they need an extension to answer if they have not been served.

2. The record shows that Jordan Romeo and Emma Howell were personally served on August 6, 2019, by delivering process to them at the trees they were occupying at the time. Dkt. No. 11 at 36, 38. As MVP explained in its filings in state court, this is good service. *Id.* at 48. Phillip Flagg and Evin Tyler Ugur have not been served by MVP, but they have voluntarily appeared in the case.

3. As defendants have admitted, this Court lacks subject matter jurisdiction. Therefore, it should remand the case and leave the motion to the state court to decide.

4. MVP opposes any extension of time for the filing of responsive pleadings. Defendants have no right to occupy the easements—they do not even have a claim of right. An extension of time to answer merely extends the time it will take to reach a decision on liability. That decision should not be delayed.

Respectfully submitted,

MOUNTAIN VALLEY PIPELINE, LLC

By Counsel

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By /s/ Wade W. Massie
Wade W. Massie

CERTIFICATE OF SERVICE

I hereby certify that, on this 23rd day of August, 2019, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Wade W. Massie
Wade W. Massie